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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,891	01/29/2004	Norikazu Kobayashi	000409-088	2312

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EXAMINER

ESTREMSKY, GARY WAYNE

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/765,891

Applicant(s)

KOBAYASHI ET AL.

Examiner

Gary Estremsky

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 16-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-3, 6-8, 11-15, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/29/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date hereto.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Conclusion***

***Election/Restrictions***

1. Applicant's election with traverse of invention of Group I (a product) in the reply filed on 12/28/05 is acknowledged. The traversal is on the ground(s) that examination of two inventions in this one Application is not a serious burden. The arguments presented have been considered but are not persuasive. Arguments do not persuasively argue that the inventions identified by examiner as belonging to different statutory categories of invention are actually one invention having the same scope or would be obvious one from the other. Argument that examining an arbitrary number of claims to a second invention is not a burden is conclusory only. Argument that there may be some overlap in the search of one invention and the other is not persuasive reason for examining two inventions in this one application.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As best understood, the scope and meaning of claim 6 is the same as that of claim 1 despite elements's connections being defined using different claim language since limitation that requires a second element "being electrically connected" with the first element implicitly requires that the first element is inherently "adapted to be engaged" with the second element, ie any intended structural difference between 'connect' and 'engage' has not been realized by the actual claim language and grammar so as to define a difference in the scopes of invention. In that respect, the claim 6 appears to be a substantial duplicate as regards scope of invention.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 6-8, 11-15, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 1 108 835 to Bosch.

Bosch '835 teaches Applicant's claim limitations including : a "handle frame fixed to a vehicle door" - including 17 as shown on the face of the document, a "handle portion supported on the handle frame" - including 5, "at least one electrical component" - 8, a "handle side connected portion" - at 6, a "frame-side connected portion" - 10.

As regards claim 2 for example, it's first noted that the invention is a product defined by its structure, either implicit or explicitly required. Electrical connection

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portions at 6,10 of the reference are shown to be in electrical engagement/ mechanical connection with each other whereby they are explicitly disclosed to be "in contact" and whereby they are inherently adapted to cause pivotal movement of both portions of the connector about the pivot of the handle during their connection. The broadly recited limitation has not clearly defined any structure that can be relied upon to patentably distinguish from the well known structure of the prior art which is in the same field of endeavor as the present invention. Similar consideration applies to broad limitation of claim 11 which defines no differentiating structure with which to patentably distinguish the presently-claimed product from the well known product of the prior art. Similar consideration applies to broad limitation of claim 12 the prior art is provided with similar arrangement that is inherently capable of assembly as recited.

As regards claim 3, at least three leads are shown on either side of the connector.

### ***Allowable Subject Matter***

6. Claims 4, 5, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,367,295 to Agostini.

U.S. Pat. No. 6,648,493 to Klein.


U.S. Pat. No. 6,871,887 to Joos.

U.S. Patent Application Publication No. 2003/0101781 to Budzynski.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary Estremsky  
Primary Examiner  
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